

SENATE BILL 2586

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 14 and Title 3, Chapter 1, Part 1, relative to member of the general assembly who is unable to perform the duties of office.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 1, Part 1, is amended by adding the following as a new section thereto:

3-1-121.

(a) If any member of the general assembly is temporarily unable to perform the duties of the member's office:

(1) Such member may make a written request to be filed with the chief clerk of the house to which the member was elected that a temporary replacement be appointed until the incumbent member is able to perform the duties of that member's office, or a vacancy occurs in such office or until the next election, whichever occurs first; or

(2) Any member of the house to which the incumbent was elected may bring a resolution requesting that a temporary replacement be appointed until the incumbent member is able to perform the duties of that member's office, or a vacancy occurs in such office or until the next election, whichever occurs first.

(b) Any person serving as a temporary replacement appointed pursuant to subdivision (a)(1) shall be appointed by the incumbent member. Any person serving as a temporary replacement appointed pursuant to subdivision (a)(2) shall be appointed by the governor.

(c)

(1) When the general assembly is not in session, any member who had a temporary replacement appointed and who is then able to perform the duties of office shall automatically be restored to such office upon written notice to the speaker of the appropriate house.

(2) When the general assembly is in session, any member who has a temporary replacement appointed shall file notice with the chief clerk of the appropriate house who shall inform the body that such member is now able to fulfill the duties of office and intends to return to such duties. Any member of the house to which the incumbent was elected may file an objection to such member's return within three (3) legislative days of the notice being given by the clerk. If no objection is filed, such member may return after the three (3) legislative days have passed. If an objection is filed, the incumbent member's house shall vote on whether or not to allow the member to return to the duties of the member's office. For the objection to be sustained, it shall take a two-thirds (2/3) vote of the entire membership of the incumbent member's house. A member shall not be allowed to file a notice of return more than three (3) times in a legislative session.

(d) Nothing in this section shall be construed to amend or repeal existing laws relating to filling vacancies in the general assembly.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.